

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 2, 6, 7, and 9 are pending in the present application, Claims 1, 6, 7, and 9 having been amended, and Claims 1, 3-5, 10, and 11 having been canceled without prejudice or disclaimer. Support for the amendments to Claims 1, 6, 7, and 9 is found, for example, in the abstract, Fig. 15, and page 25, lines 3-10 of the originally filed specification. Applicants respectfully submit that no new matter is added.

In the outstanding Office Action, Claims 1-8 were rejected under 35 U.S.C. §102(a) as anticipated by Gronemeyer et al. (U.S. Patent No. 6,363,359, hereinafter Gronemeyer).

With respect to the rejection of Claim 1 as anticipated by Gronemeyer, Applicants respectfully submit that the amendment to Claim 1 overcomes this ground of rejection.

Amended Claim 1 recites, *inter alia*,

said electronic device includes:

generating means for generating update management data when the update management data is not provided with installed software;

storage means for storing said update management data generated by said generating means;

judging means for judging, on a cycle determined based on a nature of the installed software, whether among said installed software, there exists software for which a presence of updates needs to be confirmed;

By way of explanation, for a non-limiting embodiment of the claimed invention, if the update management data for additional software is provided along with the additional software, the provided update management data may be used. If the update management data is not provided with the additional software, cycles for confirming the presence of updates may be decided based on the nature of the software, and the update management data may be

generated. For example, for security related software, the confirmation cycle may be made shorter.<sup>1</sup>

Gronemeyer does not disclose or suggest generating means for generating update management data when the update management data is not provided with installed software. The outstanding Office Action takes the position that Gronemeyer describes that update management data equates to the code of the sentinel, which is software included among the client's installed software. However, Gronemeyer does not disclose or suggest a software updating system with means for generating update management data when the update management data is not provided with installed software. Gronemeyer does not disclose or suggest that the code of the sentinel is created by any means within a software updating system.

Furthermore, Gronemeyer does not disclose or suggest the claimed "judging means for judging, on a cycle determined based on a nature of the installed software, whether among said installed software, there exists software for which a presence of updates needs to be confirmed." Gronemeyer describes that when the sentinel is loaded, the sentinel begins with an inspection of the client computing device, identifying hardware and software installed within the client computing device. This information is used to create a configuration log.<sup>2</sup> The configuration log is then submitted to a server, and the server responds by providing available sales and upgrade options for items identified in the configuration log.<sup>3</sup>

However, Gronemeyer does not disclose or suggest that a cycle at which this load sentinel, create log, and receive available sales and upgrades is performed is determined based on a nature of the installed software. On the contrary, Gronemeyer discloses that this load sentinel, create log, and receive available sales and upgrades is performed when the

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<sup>1</sup> Specification, page 25, lines 3-9.

<sup>2</sup> Gronemeyer, col. 7, lines 23-26.

<sup>3</sup> Gronemeyer, col. 7, lines 56-58.

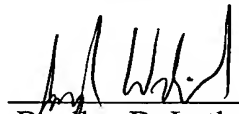
sentinel is loaded, when there is a problem during the POST, or when a request to run hardware diagnostic systems is made.<sup>4</sup>

In view of the above-noted distinctions, Applicants respectfully submit that amended Claim 1 (and any claims dependent thereon) patentably distinguishes over Gronemeyer. Independent Claims 6, 7, and 9 recite elements similar to those of amended Claim 1. Thus, Applicants respectfully submit that Claims 6, 7, and 9 patentably distinguish over Gronemeyer, for at least the reasons stated for Claim 1.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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<sup>4</sup> Gronemeyer, col. 7, lines 23 and 66, and col. 8, lines 11-14.